

**REMARKS**

Claims 1-15 and 18-22 remain pending in the application.

The Applicants respectfully request the Examiner to reconsider earlier rejections in light of the following remarks. No new issues are raised nor is further search required as a result of the changes made herein. Entry of the Amendment is respectfully requested.

**Claims 1-7, 9-15 and 18-22 over Friedman**

In the Office Action, claims 1-7, 9-15 and 18-22 were rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by U.S. Pat. No. 4,122,306 to Friedman ("Friedman"). The Applicants respectfully traverse the rejection.

Claims 1-7, 9-15 and 18-22 recite a system and method of allowing a party calling a telephone answering device to secure a voice message upon a Caller ID information associated with the party calling the telephone answering device matching a pre-stored Caller ID information.

The Examiner alleges that Friedman discloses a pre-assigning a particular number (code) to a particular caller, and the particular number authorizes a particular caller to access a telephone answering device at col. 7, lines 3-18 (See Response to Arguments, page 11). The Examiner further alleges that Friedman discloses assigning number (security code) 76 associated with track 4 to a first caller, and number 24 associated with track 3 to a second caller (See Response to Arguments, page 11). The Applicants respectfully disagree.

The Examiner is correct that Friedman discloses pre-assigning a particular number (code) to a particular caller, however the particular caller must enter their particular number (code) on a telephone keypad to secure a voice message (See Nabkel, col. 7, lines 5-8). Friedman fails to even mention use of Caller ID in any context, much less in relation to security of a voice message, i.e., a system and method of allowing a party calling a telephone answering device to secure a voice message upon a Caller ID information associated with the party calling the telephone answering device matching a pre-stored Caller ID information, as recited by claims 1-7, 9-15 and 18-22.

A benefit of a system and method of allowing a party calling a telephone answering device to secure a voice message upon a Caller ID information associated with the party calling the telephone answering device matching a pre-stored Caller ID information is, .e.g., automatic security of a voice message that is controlled by an owner of a telephone answering device. Caller ID service is provided by a telephone service provider and is automatically transmitted to a subscriber. By basing security on Caller ID information, an owner of a telephone answering device can therefore establish which callers that they would desire to have voice messages automatically secured from. The cited prior art fails to disclose or suggest the claimed features having such benefits.

For at least the foregoing reasons, claims 1-7, 9-15 and 18-22 are patentable over the prior art of record. Accordingly, the Applicants respectfully request that the foregoing rejection be withdrawn.

**Claims 1-7, 9 and 10 over Nabkel**

In the Office Action, claims 1-7, 9 and 10 were rejected under 35 U.S.C. § 103(a) as allegedly being obvious over U.S. Pat. No. 5,963,626 to Nabkel (“Nabkel”). The Applicants respectfully traverse the rejection.

Claims 1-7, 9 and 10 recite a system allowing a party calling a telephone answering device to secure a voice message upon a Caller ID information associated with the party calling the telephone answering device matching a pre-stored Caller ID information.

The Examiner acknowledges that Nabkel fails to disclose that a caller is authorized to secure a voice message (See Office Action, page 7). The Examiner alleges that it would have been obvious to modify Nabkel to arrive at the claimed features because “such modification would have enabled subscribers to leave voice messages for each other” (See Office Action, page 7). The Applicants respectfully disagree.

According to Nabkel, a subscriber that leaves a message may assign a message Personal Identification Number (PIN) associated with the message or a PIN associated with a specific individual (See col. 3, lines 13-28;

col. 3, lines 55-58). A caller accessing messages enters an ID number and their PIN (See Nabkel, col. 4, lines 27-42).

Nabkel discloses the use of ID numbers. However, Nabkel's ID numbers are used to determine if a caller has authority to receive a personal communication, i.e., listen to a previously recorded voice message (See col. 4, lines 20-47). To secure a voice message, Nabkel discloses use of a PIN (See col. 3, lines 53-58). Nabkel fails to disclose or suggest use of Caller ID information to secure a voice message, i.e., a system allowing a party calling a telephone answering device to secure a voice message upon a Caller ID information associated with the party calling the telephone answering device matching a pre-stored Caller ID information, as recited by claims 1-7, 9 and 10.

For at least the foregoing reasons, claims 1-7, 9 and 10 are patentable over the prior art of record. Accordingly, the Applicants respectfully request that the foregoing rejection be withdrawn.

#### **Claim 8 over Nabkel in view of Carleton**

In the Office Action, claim 8 was rejected under 35 U.S.C. § 103(a) as allegedly being obvious over Nabkel in view of U.S. Pat. No. 5,966,351 to Carleton ("Carleton"). The Applicants respectfully traverse the rejection.

Claim 8 is dependent on claim 1, and is patentable for at least the same reasons as claim 1.

Claim 8 recites a system allowing a party calling a telephone answering device to secure a voice message upon a Caller ID information associated with the party calling the telephone answering device matching a pre-stored Caller ID information.

As discussed above, Nabkel fails to disclose or **suggest** a system allowing a party calling a telephone answering device to secure a voice message upon a Caller ID information associated with the party calling the telephone answering device matching a pre-stored Caller ID information, as recited by claim 8.

The Office Action relies on Carleton to allegedly make up for the deficiencies in Nabkel to arrive at the claimed invention. The Applicants respectfully disagree.

According to Carleton, a sender of electronic mail messages is able to access a recipient's mailbox to reprioritize messages previously sent by the sender (See Abstract). A sender is required to enter a security or identification password associated with a user's extension to access the electronic mail messages (See Carleton, col. 4, lines 20-39). Alternately, a voice mail system checks an electronic identification of a telephone from which a call is being placed to determine the sender (See Carleton, col. 4, lines 20-28).

Carleton disclosing electronic identification of a telephone from which a call is being placed to determine a sender's access to reprioritize messages. Carleton fails to disclose or suggest use of Caller ID information as a basis to secure a voice message, much less disclose or suggest a system allowing a party calling a telephone answering device to secure a voice message upon a Caller ID information associated with the party calling the telephone answering device matching a pre-stored Caller ID information, as recited by claim 8.

Thus, even if it were obvious to modify Nabkel with the disclosure of Carleton (which it is not since the two are unrelated messaging systems), the theoretical result would fail to disclose or suggest a system and method of allowing a party calling a telephone answering device to secure a voice message upon a Caller ID information associated with the party calling the telephone answering device matching a pre-stored Caller ID information, as recited by claim 8.

For at least the foregoing reasons, claim 8 is patentable over the prior art of record. Accordingly, the Applicants respectfully request that the foregoing rejection be withdrawn.

**Conclusion**

All objections and rejections having been addressed, it is respectfully submitted that the subject application is in condition for allowance and a Notice to that effect is earnestly solicited.

Respectfully submitted,



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